



US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

State of Connecticut
Department of Environmental
Protection
79 Elm Street
Hartford, Connecticut 06106-5127

New England Division
696 Virginia Road
ATTN: Marine Analysis Unit
Concord, MA 01742-2751

JOINT PUBLIC NOTICE

In replying refer to :

Public Notice Number: 2004-00639-LS

Issue Date: August 29, 2006

Expiration Date: September 29, 2006

TO WHOM IT MAY CONCERN:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Harbour Point Homeowner's Association
PO Box 314
Northport, NY 11768

ACTIVITY: Maintenance Dredge with Placement in the Western Long Island Sound Disposal Site and Upland Placement

WATERWAY: Harbor Point Lagoon, a tributary of Northport Bay

LOCATION: Northport, Town of Huntington, Suffolk County, New York.

Independent evaluations of various aspects of the proposed project will be performed by the US Army Corps of Engineers, New York District, US Army Corps of Engineers, New England District, the State of Connecticut, and the State of New York in accordance with applicable federal and state laws.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline

erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE; otherwise, it will be presumed that there are no objections to the activity.

Any person may request, by writing to the District Engineer before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267) (16 U.S.C. 1801 et seq.), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The District Engineer has made a preliminary determination that site-specific adverse effects are not likely to be substantial. Further coordination with NMFS regarding EFH recommendations is being conducted and will be concluded prior to a final decision on the permit application.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archaeological, scientific, prehistorical or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

CENAN-OP-RW
PUBLIC NOTICE NO. 2004-00639-LS

Pursuant to Section 307(c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456(c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur.

For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

The Connecticut Department of Environmental Protection, Office of Long Island Sound Programs will review the applicant's dredged material placement proposal for consistency with Connecticut's water quality standards. Subsequent issuance of the Section 401 Water Quality Certificate from the state agency will indicate concurrence with the coastal area management plan.


Barge overflow of dredged material will not occur during the dredging of this proposed project, therefore, the only Section 404 activity involved in this application is the placement of the dredged material at one of the designated disposal sites in Long Island Sound.

Comments related to water quality issues should be submitted both to this office and to the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs, 79 Elm Street, Hartford, Connecticut 06106-5127. For more information about the water quality certification, please contact Connecticut's Office of Long Island Sound Programs at (860) 424-3034.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration: **Permit from New York State Department of Environmental Conservation.**

It is requested that you communicate the foregoing information concerning the proposed work to any persons known by you to be interested and who did not receive a copy of this notice.

If you have any questions concerning this application, you may contact this office at (917) 790-8417 and ask for Steven A. Schumach. For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>

FOR 
Richard L. Tomer
Chief, Regulatory Branch

Attachments

DESCRIPTION OF WORK

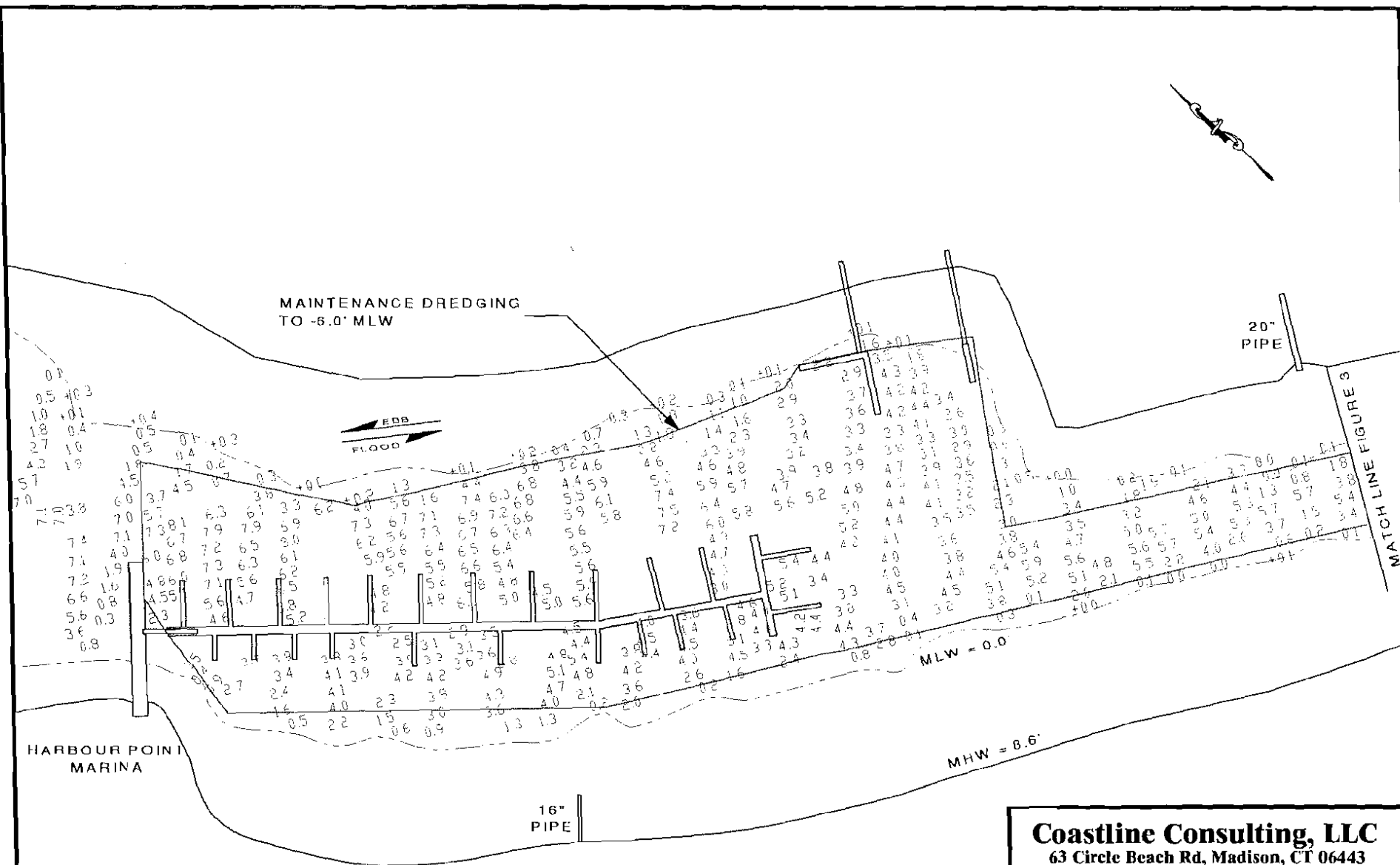
The applicant, the Harbour Point Homeowner's Association, has requested Department of the Army authorization to maintenance dredge in Harbor Point Lagoon, a tributary of Northport Bay, in Northport, Town of Huntington, Suffolk County, New York. Approximately 19,500 cubic yards of material would be dredged by a clamshell dredge from a 168,622 square foot area to a maximum depth of 6 feet below the plane of mean low water with no overdredge allowance and no barge overflow. Approximately 2,000 cubic yards of the dredged material would be placed on the applicant's upland property where it will be suitably retained to prevent its return to the waterway. The remaining 17,500 cubic yards of dredged material would be placed at the Western Long Island Sound Regional Disposal Site (WLIS). The stated purpose of the proposed project is to provide adequate depth for safe navigation for the Homeowners Association, which moors 68 recreational vessels at its docking facility.

Sampling and Testing: A sampling plan for this project was prepared for six cores (C-1 through C-6) that were taken from the project area. Bulk sediment chemistry analysis were conducted on the six samples. For all the sediments, examination of bulk chemistry results shows that the metals were below or near the concentrations found at the WLIS reference site (see the attached normalized pollutant concentration spreadsheets). In the project sediment samples, the concentration of PAHs tested for in the project sediments are near or below the WLIS reference values. For PCB's and pesticides, the concentration in the project fall near or below the analytical detection limits in all of the project sediment samples tested.

These sediments are suitable for unconfined open water disposal at WLIS. For the purposes of prudent disposal management, it is recommended that the sediments represented by C-1 be dredged and disposed of first, followed by the other dredging project sediments, thus serving as capping material. This will minimize the environmental impact of the proposed activities. The proposed dredged material would be transported by dump scows to the WLIS Regional Disposal Site (shown on the attached map) and deposited using the bottom dumping process.

The Western Long Island Sound Disposal Site is used for disposal of bottom sediments dredged from various harbors along the eastern New York, western Connecticut, and northern Long Island coasts. Overall, the site receives approximately 125,000 cubic yards of suitable sediments annually (suitability determined through case-by-case analyses). The site has been monitored through the Corps' Disposal Area Monitoring System (DAMOS) program. DAMOS studies show that the site is a low energy environment such that sediment deposited at this location will remain within the site's boundaries. Levels of metals and organics in the sediments within the disposal site are generally low and not substantially greater than background levels, indicative of the relatively uncontaminated nature of the areas dredged that utilize the site. Areas outside the disposal site have not been found to be affected by sediment deposited within the site.

The dredged material has undergone physical and chemical analysis and has satisfied Part 227.13(b) of exclusionary criteria of the Ocean Dumping Act regulations regarding biological testing. It is our preliminary determination that the material is acceptable for disposal at this disposal site. A Department of the Army permit, if issued in this matter, would authorize the initial disposal of the dredged material at the designated Long Island Sound Disposal Site for a 3 year period to allow for periodic maintenance dredging.



NOTES:

- 1) THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY. NOT FOR BID DOCUMENTS OR CONSTRUCTION.
- 2) THE EXISTING SITE CONDITIONS ARE APPROXIMATE AND ARE BASED UPON A 04/30/2004 HYDROGRAPHIC SURVEY CONDUCTED BY HYDRO DATA, INC. AND OBSERVATIONS MADE IN THE FIELD.

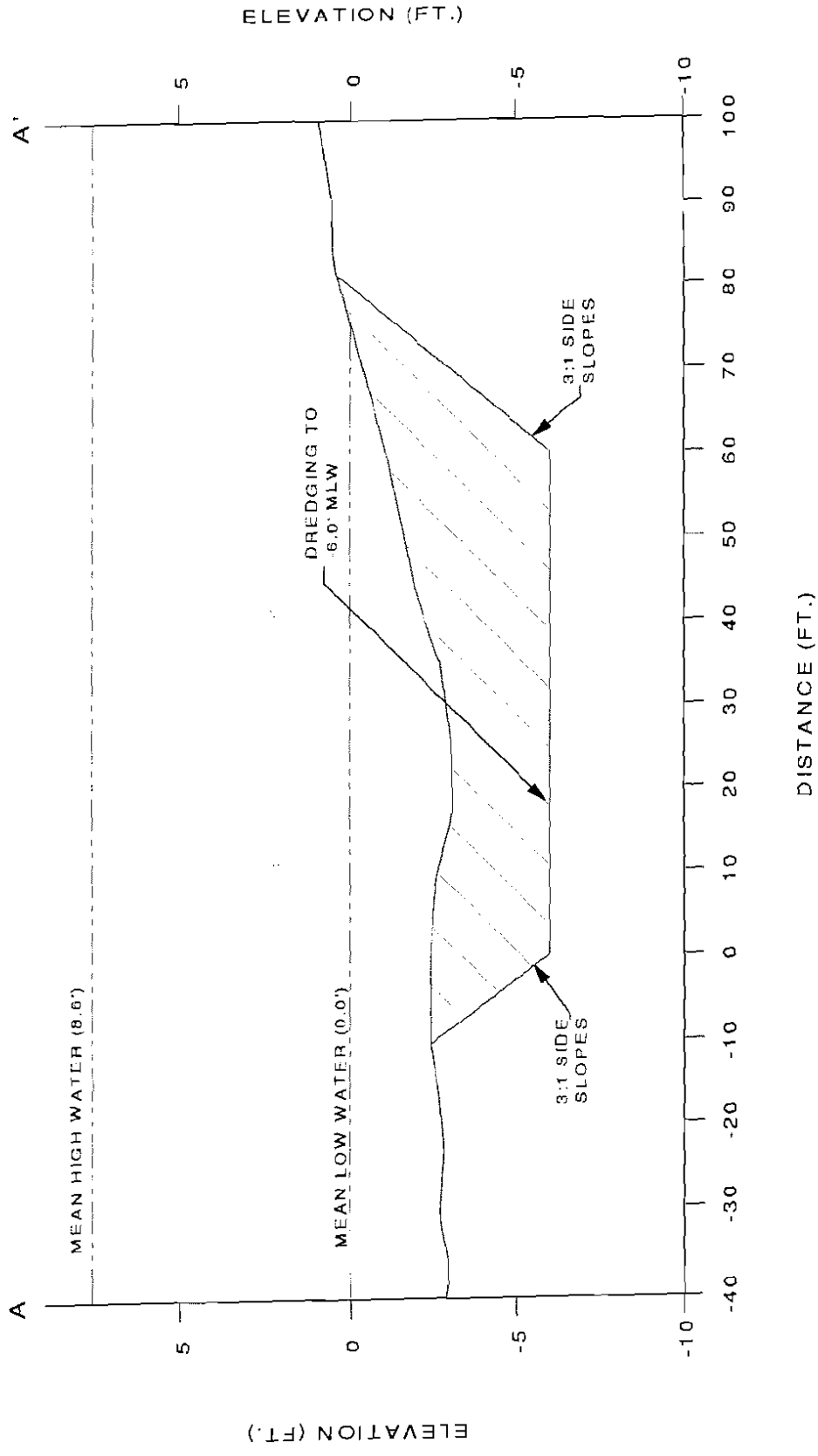
Coastline Consulting, LLC
 63 Circle Beach Rd, Madison, CT 06443
 (203) 245-8138

FIGURE 2
 PROJECT PLAN VIEW

HARBOUR POINT HOMEOWNERS ASSOC.
 NORTHPORT, NEW YORK

DATE: April 2005

SCALE: 1" = 100'



NOTES:

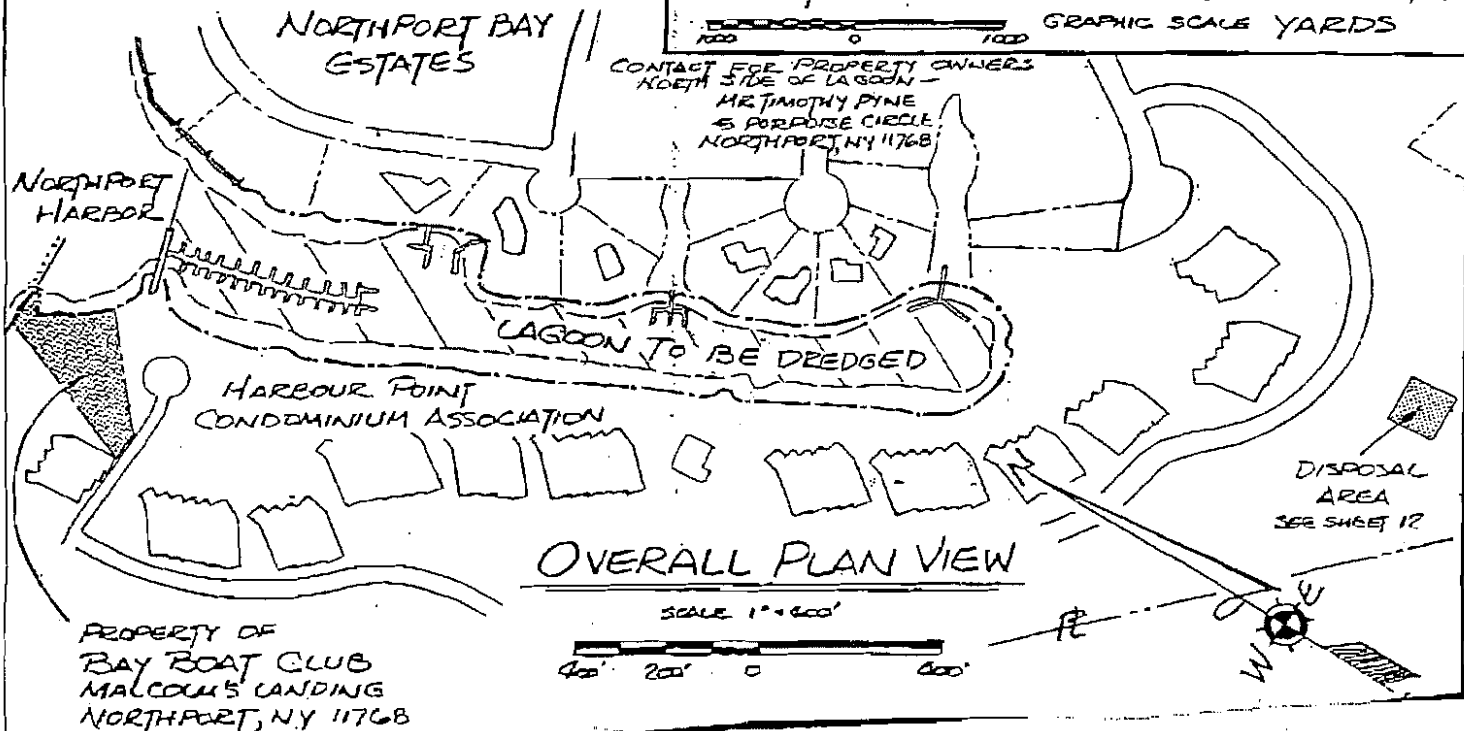
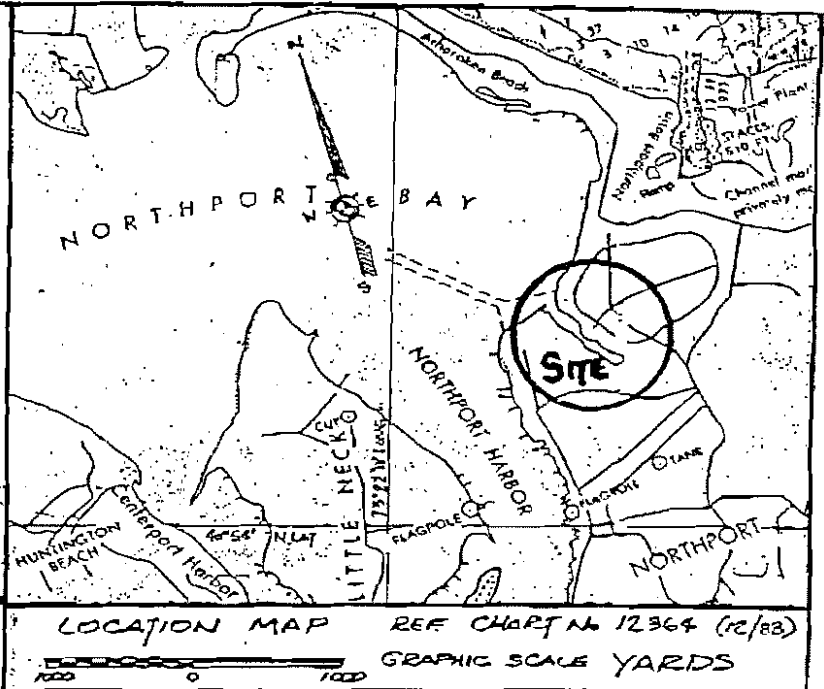
- 1) THESE APPLICATION DRAWINGS ARE FOR PLANNING AND PERMITTING PURPOSES ONLY. NOT FOR BID DOCUMENTS OR CONSTRUCTION.
- 2) VERTICAL SCALE : 1" = 5'
HORIZONTAL SCALE : 1" = 20'

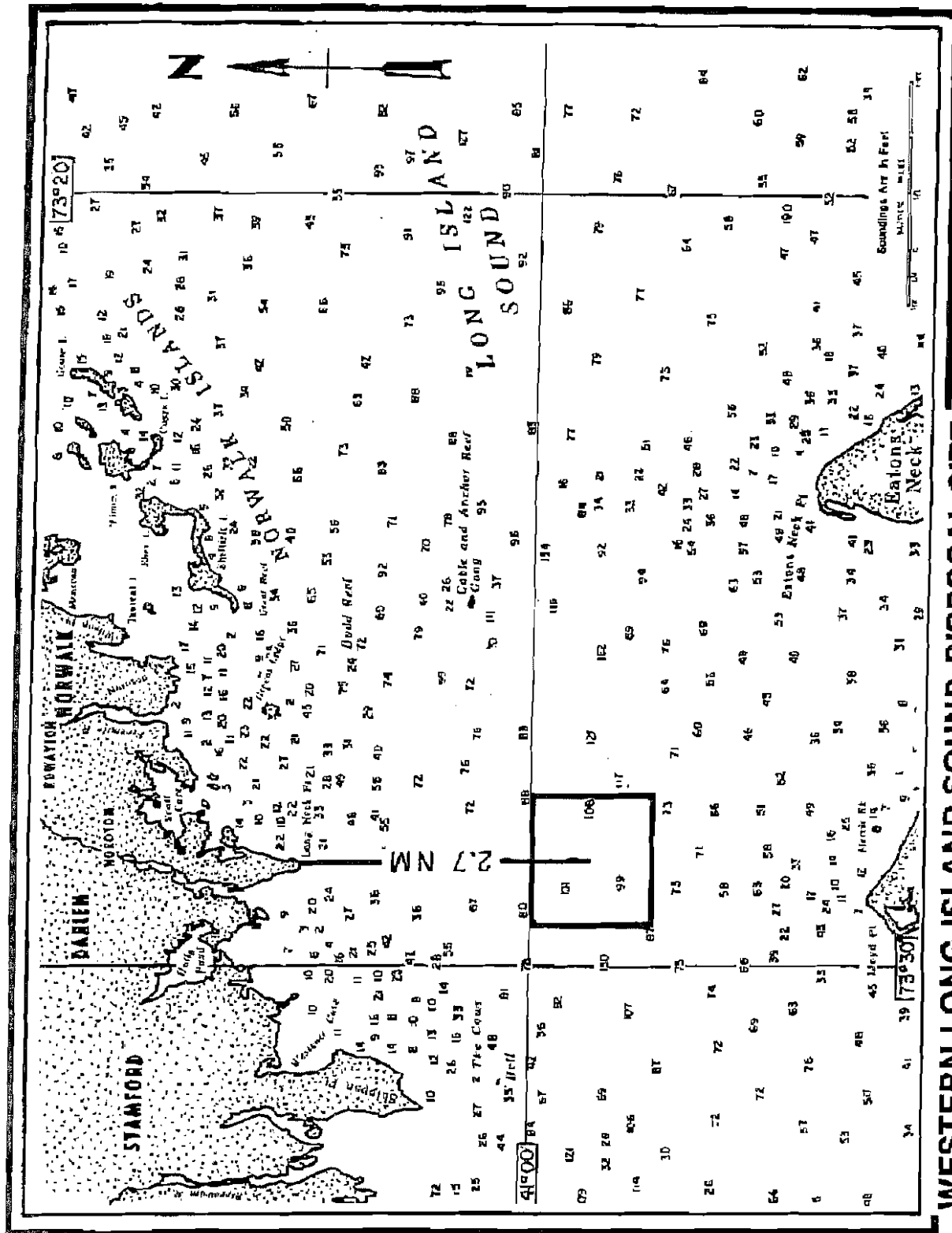
Sheet 4 of 6

Coastline Consulting, LLC 63 Circle Beach Rd, Madison, CT 06443 (203) 245-8138	
FIGURE 4 CROSS SECTION A-A'	
HARBOUR POINT HOMEOWNERS ASSOC. NORTHPORT, NEW YORK	
DATE: April 2005	SCALE: As Noted

NOTES:

1. ELEVATION DATUM IS MEAN LOW WATER (MLW EL. = 0.0)
2. TIDAL DATA IS TAKEN FROM THE 1992 NOAA TIDE TABLES.
3. PROJECT DESCRIPTION:
MAINTENANCE DREDGING, CONSISTING OF REMOVING 2000 YL CY
VIA
CLAM-SHELL BUCKET FOR UPLAND DISPOSAL ON-SITE.
4. PURPOSE: DREDGING IS REQUIRED FOR SAFE NAVIGATION.
5. THIS PLAN IS A CLASS "D" SURVEY PREPARED FOR REVIEW AND PERMIT PURPOSES; IT IS NOT A CONSTRUCTION CONTRACT DOCUMENT.





WESTERN LONG ISLAND SOUND DISPOSAL SITE

Description: This site is a one nautical mile square area with its center at $40^{\circ}59.4'N$, $73^{\circ}28.7'W$. From the center, Cable and Anchor Reel Lighted Gong Buoy R "24C" bears true 65° at 5,600 yards, and The Cows Lighted Bell Buoy R "32" bears true 291° at 4,400 yards. The authorized disposal point (within the overall disposal area) is specified for each dredging project in other project documents that also restrict site approach and departure to specified lanes. Depth Range: 79 to 113 feet MLW.

NOTE: The map depicts the disposal site's location in relation to landmarks. It is not intended for use in navigation.

Normalized pollutant concentrations										
Harbour Point Homeowners Assoc.										
NAE-2004-1828										
Sample Site	WLIS		C-1			Compare	C-2			Compare
Metals (ppm)	mean + 2sd		Raw Data	Normalized			Raw Data	Normalized		
Arsenic	10.1		18.3	*		1.81	13.1	*		1.30
Cadmium	1.16		1.89	*		1.63	0.86	ok		0.74
Chromium	67.4		26.1	ok		0.39	19.9	ok		0.30
Copper	91.1		118	*		1.30	63.3	ok		0.69
Mercury	0.391		0.04	ok		0.10	0.08	ok		0.20
Nickel	37.5		52.9	*		1.41	29.9	ok		0.80
Lead	72.6		17	ok		0.23	27.9	ok		0.38
Zinc	197		55.9	ok		0.28	86.4	ok		0.44
% fines			1				1			
PAH's (ppb)										
Fluorene	20		5	11.36	ok	0.57	5	8.20	ok	0.41
Phenanthrene	132		5	11.36	ok	0.09	5	8.20	ok	0.06
Anthracene	43		5	11.36	ok	0.26	5	8.20	ok	0.19
Naphthalene	59		5	11.36	ok	0.19	5	8.20	ok	0.14
Acenaphthylene	46		5	11.36	ok	0.25	5	8.20	ok	0.18
Acenaphthene	13		5	11.36	ok	0.87	5	8.20	ok	0.63
Fluoranthene	213		5	11.36	ok	0.05	5	8.20	ok	0.04
Pyrene	517		5	11.36	ok	0.02	13	21.31	ok	0.04
Benzo(a)anthracene	147		5	11.36	ok	0.08	5	8.20	ok	0.06
Chrysene	207		5	11.36	ok	0.05	5	8.20	ok	0.04

CENAE-R-PT

SUBJECT: Suitability Determination for Harbour Point Homeowners Association, Northport Bay, Huntington, NY, Application Number NAE-2004-1828.

Total Benzofluoranthenes	590	5	11.36	ok	0.02	5	8.20	ok	0.01
Benzo(a)pyrene	356	5	11.36	ok	0.03	5	8.20	ok	0.02
Dibenzo(a,h)anthracene	42	5	11.36	ok	0.27	5	8.20	ok	0.20
Benzo(g,h,i)perylene	147	5	11.36	ok	0.08	5	8.20	ok	0.06
Ideno(123-cd)pyrene	179	5	11.36	ok	0.06	5	8.20	ok	0.05
TOC		0.44				0.61			
Sum of PAH's		75				83			
* = > mean + 2sd									
ok = <mean + 2sd									

Normalized pollutant concentrations												
Harbour Point Homeowners Assoc. NAE-2004-1828												
Sample Site	WLIS	C-3			Compare	C-4			Compare	C-5		
Metals (ppm)	mean + 2sd	Raw Data	Normalized			Raw Data	Normalized			Raw Data	Normalized	
Arsenic	10.1	7		ok	0.69	2		ok	0.20	3.5		
Cadmium	1.16	0.96		ok	0.83	0.19		ok	0.16	0.35		
Chromium	67.4	27.8		ok	0.41	8.7		ok	0.13	15.9		
Copper	91.1	76.3		ok	0.84	14.5		ok	0.16	31.5		
Mercury	0.391	0.14		ok	0.36	0.01		ok	0.03	0.05		
Nickel	37.5	24.6		ok	0.66	6.2		ok	0.17	12		
Lead	72.6	39		ok	0.54	7.6		ok	0.10	20.2		

CENAE-R-PT

SUBJECT: Suitability Determination for Harbour Point Homeowners Association, Northport Bay, Huntington, NY, Application Number NAE-2004-1828.

Zinc		197	104		ok	0.53	22.5		ok	0.11	46.4	
% fines			1				1				1	
PAH's (ppb)												
Fluorene		20	5	5.81	ok	0.29	5	23.81	*	1.19	5	8.93
Phenanthrene		132	5	5.81	ok	0.04	5	23.81	ok	0.18	5	8.93
Anthracene		43	5	5.81	ok	0.14	5	23.81	ok	0.55	5	8.93
Naphthalene		59	5	5.81	ok	0.10	5	23.81	ok	0.40	5	8.93
Acenaphthylene		46	5	5.81	ok	0.13	5	23.81	ok	0.52	5	8.93
Acenaphthene		13	5	5.81	ok	0.45	5	23.81	*	1.83	5	8.93
Fluoranthene		213	13	15.12	ok	0.07	5	23.81	ok	0.11	5	8.93
Pyrene		517	5	5.81	ok	0.01	5	23.81	ok	0.05	5	8.93
Benzo(a)anthracene		147	5	5.81	ok	0.04	5	23.81	ok	0.16	5	8.93
Chrysene		207	5	5.81	ok	0.03	5	23.81	ok	0.12	5	8.93
Total Benzo(a)fluoranthenes		590	5	5.81	ok	0.01	5	23.81	ok	0.04	5	8.93
Benzo(a)pyrene		356	5	5.81	ok	0.02	5	23.81	ok	0.07	5	8.93
Dibenzo(a,h)anthracene		42	5	5.81	ok	0.14	5	23.81	ok	0.57	5	8.93
Benzo(g,h,i)perylene		147	5	5.81	ok	0.04	5	23.81	ok	0.16	5	8.93
Ideno(123-cd)pyrene		179	5	5.81	ok	0.03	5	23.81	ok	0.13	5	8.93
TOC			0.86				0.21				0.56	
Sum of PAH's			83				75				75	
* = > mean + 2sd												
ok = <mean + 2sd												

CENAE-R-PT

SUBJECT: Suitability Determination for Harbour Point Homeowners Association, Northport Bay, Huntington, NY, Application Number NAE-2004-1828.

Normalized pollutant concentrations						
Harbour Point Homeowners Assoc. NAE-2004-1828						
Sample Site		WLIS	C-6			Compare
Metals (ppm)		mean + 2sd	Raw Data	Normalized		
Arsenic		10.1	2.3		ok	0.23
Cadmium		1.16	0.19		ok	0.16
Chromium		67.4	8.1		ok	0.12
Copper		91.1	15		ok	0.16
Mercury		0.391	0.01		ok	0.03
Nickel		37.5	6		ok	0.16
Lead		72.6	8.7		ok	0.12
Zinc		197	24.9		ok	0.13
% fines			1			
PAH's (ppb)						
Fluorene		20	5	26.32	*	1.32
Phenanthrene		132	20	105.26	ok	0.80
Anthracene		43	5	26.32	ok	0.61
Naphthalene		59	5	26.32	ok	0.45
Acenaphthylene		46	5	26.32	ok	0.57
Acenaphthene		13	5	26.32	*	2.02
Fluoranthene		213	47	247.37	*	1.16

CENAE-R-PT

SUBJECT: Suitability Determination for Harbour Point Homeowners Association, Northport Bay, Huntington, NY, Application Number NAE-2004-1828.

Pyrene		517	39	205.26	ok		0.40
Benzo(a)anthracene		147	16	84.21	ok		0.57
Chrysene		207	28	147.37	ok		0.71
Total		590	27	142.11	ok		0.24
Benzo(a)anthracene		356	5	26.32	ok		0.07
Benzo(a)pyrene		42	5	26.32	ok		0.63
Dibenzo(a,h)anthracene		147	5	26.32	ok		0.18
Benzo(g,h,i)perylene		179	5	26.32	ok		0.15
Ideno(123-cd)pyrene							
TOC			0.19				
Sum of PAH's			222				
* = > mean + 2sd							
ok = <mean + 2sd							